REMARKS/ARGUMENTS

Claims 13-18 are pending in this application. By this Amendment, claims 1-12 are canceled without prejudice or disclaimer and claims 13-18 are added. Support for new claims 13-18 can be found in the specification including the original claims and figures 3-8, for example. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

A.   The Office Action objects to claims 1 and 7 for informalities. Applicants respectfully submit that the above amendments obviate the grounds for the rejection. Withdrawal of the objection to claims 1 and 7 is respectfully requested.

B.   Claims 1-3, 7-9 and 11-12 stand rejected 35 U.S.C. §102(e) over application U.S. Patent No. 6,236,395 to Sezan et. Al (hereafter 'Sezan'). Claims 4-6 and 10 stand rejected 35 U.S.C. §103(a) Sezan and U.S. Patent No. 6,236,395 to 6,345,274 to Zhu. These rejections are moot because the indicated claims have been canceled, but they are respectfully traversed to the extent that the rejections may be applicable to new claims 13-18 because the references, individually or in combination, fail to disclose or suggest all the features of these claims.

(1) As the Office is aware, a rejection under 35 U.S.C. § 102 is only proper when the claimed subject matter is identically described or disclosed in the prior art. (In re Arkley, 455 F.2d 586, 587 (CCPA 1972); see also M.P.E.P. § 706.02(a) (explaining that "[a]reference must teach every aspect of the claimed invention either explicitly or impliedly.").) In the present case,

Applicants respectfully submit that the claimed invention is not identically disclosed in Sezan, and thus the rejection under § 102(e) is not merited.

In contrast, certain embodiments of the present invention can provide a browsing criteria by incorporating a browsing information in the user preference information, wherein the browsing information includes at least one browsing criterion, which may be differently described according to a type of multimedia data, and a weight value indicating relative priority or weight assigned to said browsing criterion.

(2)   Applicants respectfully submit that when establishing a prima facie case of obviousness, the Office carries the initial burden of establishing, *inter alia*, that there exists some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the teachings of references. M.P.E.P. § 2143. In addition, the Office must show that the references when combined teach or suggest all of the limitations of the claims. Id.

The Federal Circuit has held that there must be a clear and particular suggestion in the prior art to combine the teachings of the cited references in the manner proposed by the Examiner. As explained by the Federal Circuit, "[o]ur case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art

references." See In re Dembiczak 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

With respect to claims 5-6, the Office Action admits that Sezan does not disclose the description scheme (e.g., program, user or system description schemes) comprises a weight describing user preference. With respect to claim 10, the Office Action admits that Sezan does not disclose weighted values can be added on each of the browsing methods or browsing criteria. However, the Office Action attempt to cure the deficiency by citing Zhu which is allegedly in the same field of multimedia content and retrieval, asserting that Zhu discloses such features including the use of weight value in a description scheme, and it would be obvious to incourporate them into the "user preferred application description scheme" in Sezan. In the present case, Applicants submit that there is no clear and particular suggestion or motivation to modify Sezan with the disclosure of Zhu.

In particular, Applicants point out that Sezan specifically teaches an audiovisual information management system. In fact, Sezan provides an improvement over the related art because the audiovisual information presented to a particular user should be in a format and include content suited to their particular viewing preferences. In addition, the format should be dependent on the content of the particular audiovisual information. See column 3, lines 17-30 of Sezan. Sezan achieves this improvement over the related art by providing a separate description scheme describing the program(s) 10, the user 14, and the system 12, the three portions

(program, user, and system) may be combined together to provide an interactivity not previously achievable. See column 3, lines 17-30 of Sezan.

Zhu, on the other hand, is not concerned with and does not disclose user, program, or system description schemes. Zhu merely mentions an image description scheme in the "Background of the Invention" section. See column 2, lines 15-19 of Zhu. Rather, Zhu is concerned with subjective image content similarity-based image retrieval. See title and column 1, lines 30-35 of Zhu. Zhu's improvement is to automatically develop a weight w_i reflecting the relative importance for each feature F_i in an overall image similarity decision between image I and image J without first processing a query. See column 2, lines 37-43 and column 3, lines 15-22 of Zhu The weights w_i are developed from examples and counterexamples because relative importance of features such as color, texture, structure, and composition for processing an image retrieval query do not intuitively correlate to a user interpretation. See column 2, lines 4-12, column 6, lines 8-35, column 8, lines 52-59 and claim 1 of Zhu

In contrast, Applicants respectfully submit that Sezan does not even mention "weight(s)." The user description scheme in Sezan does not mention features such as color or texture. See column 21, line 30 to column 24, line 10 of Sezan. Further, Zhu does not even mention a user description scheme, program description scheme, or system description scheme.

As such, there is absolutely no suggestion or need to modify Sezan, let alone a user description scheme in Sezan, with the weight w_i reflecting the relative importance for each

feature F_i in the overall image similarity decision between image I and image J because in Sezan a user description scheme is not concerned with ranking image similarity. Indeed, only through hindsight using Applicants' disclosure would one even attempt to combine the references, which is improper.

Accordingly, Applicants respectfully submit that Sezan and Zhu, individually or in combination, do not teach or suggest at least features of incorporating a browsing information in the user preference information, wherein the browsing information includes at least one browsing criterion, which may be differently described according to a type of multimedia data, and a weight value indicating relative priority or weight assigned to said browsing criterion and combinations thereof as recited in claim 13. Thus, Applicants respectfully submit that since the Office has not shown the combination of the references would be obvious, the § 103(a) rejection should be withdrawn.

(3) For at least the reasons set forth above, Applicant respectfully submits that independent claim 13 defines patentable subject matter. Independent claims 15 and 17 define patentable subject matter for at least reasons similar to claim 13. Claims 14, 16 and 18 respectively depend from claims 13, 15 and 17, and therefore also define patentable subject matter for at least that reason as well as their additionally recited features. Claims 1-12 are canceled without prejudice or disclaimer. Withdrawal of the rejections of claims 1-12 and the allowance of claims 13-18 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carl Wesolowski, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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